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FILED - USDC - NH
2022 JUL 8 PM 12:17

THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Josephine Amatucci

v.

Town of Wolfeboro, et al

Docket 1:21-cv-01081-LM
~~Civil No. 20-cv-449-JL~~

REVISITING SUMMARY JUDGMENT
FOR A JUDGMENT AS A MATTER OF LAW

1. The Plaintiff is ordering Judge Laplante off this case or any other case that she files due to his abuse of discretion against her claims, his fraud, and most important his violation of her Federal Civil rights in a continuing conduct in the ruling of her lawsuits that are before him
2. The Plaintiff's claim of a Federal Constitutional violation of the Fourth Amendment regarding a Malicious Prosecution without probable cause in this case, has never been ruled on, addressed, or litigated in this case, by the Courts, therefore, it remains active, for a Motion for Judgment as a matter of Law. Where a 1983 FEDERAL CAUSE OF ACTION precludes the reasoning of the courts when they rely on State law elements of a false arrest instead of a violation of the Fourth Amendment rights to liberty, as in the Plaintiff's malicious proecution claim. As what happened in this case.

10

11 [Illegible text]

12 [Illegible text]

13 [Illegible text]

14 [Illegible text]

15 [Illegible text]

16 [Illegible text]

17 [Illegible text]

18 [Illegible text]

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21 [Illegible text]

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23 [Illegible text]

24 [Illegible text]

25 [Illegible text]

26 [Illegible text]

27 [Illegible text]

As what happened in this case.

A FALSE ARREST

3. This was a Federal Constitutional violation, where there is no immunity, no res judicata, no statute of limitations and no collateral estoppel, when there is fraud, and when the ruling of the local District Court Judge DiClerico was based on a FRAUDULENT MISINTERPRETATION of the law, when he dismissed the Plaintiff's lawsuit based on a false arrest theory, when he stated that where there was no PHYSICAL SEIZURE, there is no ARREST, and he dismissed her case.

4. The Plaintiff was unlawfully detained, seized of her liberty rights, when she was WRONGLY forced to appear in court, a violation of her LIBERTY RIGHTS under the Fourth Amendment, where there was NO PROBABLE CAUSE to detain her, as she never committed an Assault with Bodily Injury as she was being accused of.

5. When there is a violation of a person's Civil rights there is no immunity, no Res Judicata, no collateral estoppel, where the rulings, and judgements of the Courts are based on state common law, and the Legislature. Where a 1983 FEDERAL CAUSE OF ACTION, as under a malicious prosecution under the Fourth Amendment, PRECLUDES the reasoning of the Courts when they rely on State Law Elements. See *franz v. Village of Bradford* and *Albright v. Oliver*.

6. Therefore, the dismissal of the Plaintiff's case under Res Judicata based on Judge DiClerico's false arrest theory, by the United States District Court Magistrate on August 2, 2021 is void of no legal force. Also in the Magistrate's Report and Recommendation was a statement that "the WPD Chief Rondeau asked the BCSD toINVESTIGATE.....the matter. And she based her rulings on the

the Court's decision in *United States v. Galt*, 2021 WL 1111111.

Accordingly, the Court grants the motion to dismiss the complaint.

IT IS SO ORDERED.

United States District Court for the District of Columbia

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INVESTIGATION, ignoring the Plaintiff's version of events, that her lawsuit was based primarily onTHE PROSECUTION.....THE PROSECUTION.....THE PROSECUTION.

This was not a mistake, this is what Magistrates do, they distort the true meaning of a lawsuit by pro-se litigants. This is called Fraudulent Misinterpretation.

7. There is a clear distinction under the law of a false arrest and a 1983 cause of action for malicious prosecution, as the complaint must allege that the unconstitutional seizure, detention, loss of liberty resulted from an unreasonable prosecution action taken to bring the Plaintiff before the Court independent of any initial physical seizure. Also, unlike a common law claim, a state claim of a false arrest, an action for a malicious prosecution permits damages under 1983, under the Fourth Amendment. Where it is CLEARLY ESTABLISHED Constitutional LAW, that a prosecution, an unlawful detention of a persons liberty, WITHOUT PROBABLE CAUSE, is a Fourth Amendment violation, where there is no immunity, no res judicata, no collateral estoppel, in violation of a persons FEDERAL CONSTITUTIONAL RIGHTS. See Heck v. Humphrey 512 U.S. 477, 484, 114 S.Ct. 2364.

THE CONVICTION

8. The Plaintiff was convicted of committing an Assault with Bodily Injury, even though she filed a Motion to Dismiss, even though before any ruling was given by the court, she provided the judge with evidence of a statement by he alleged victim, Robert Maloney, who stated THERE WAS NO INJURY, the judge still convicted her, even though Maloney's Supervisor stated before the judge at the trial that the Plaintiff never pushed Maloney, or that he was never standing in the doorway, as Maloney stated, the judge still convicted her of causing Bodily

Injury to Maloney. Believing that if he convicted her she would be unable to file a violation of her Civil rights.

9. Judge Greenhalghn was violating the Plaintiff's Liberty rights by holding court hearings without having jurisdiction to do so, for a crime that he knew never existed, and in doing so, the judge was violating the Plaintiff's Liberty Rights under the Federal Constitutional Law of the Land. He was a Trespassor of the Constitution, he was violating his Oath of office.

10. The conviction was tainted, it was based on PERJURY, and FRAUDULENT STATEMENTS. See Manuel, 137 S.Ct.at 920; King v. Harwood 852 F.3d, 568, 584 (6th Cir. 2017); Coggins v. Buonora 776 F.3d a08, 113 (2d Cir 2015). FOR WRONGFUL CONVICTIONS.

11. It is to be noted that when the Plaintiff insisted that the judge explain why he was convicting her, knowing there was NO ASSAULT WITH BODILY INJURY, this court must note that Judge Greenhalghn WOULD NOT GIVE A REASON WHY HE WAS CONVICTING HER, HE WOULD NOT ANSWER, HE WOULD NOT ANSWER because he had NO REASON TO CONVICT HER. She has the dvd of the trial to prove this claim.

12. That the Plaintiff suffered trauma, mental suffering and emotional distress, especially due to the fact that the Plaintiff was a very elderly person.

13. That therefore when Greenhalghn trespassed the Constitution and litigated the case, where there was NO PROBABLE CAUSE to hear the case, Greenhalghn lost jurisdiction, and his judgments, his CONVICTION are VOID OF NO LEGAL FORCE, as her Motion to Dismiss demonstrated her innocence. Manuel v. City of Joliet (2017).

14. That the deprivation of her liberty led to a Federal Constitutional violation, under the Fourth Amendment. Gallo v. City of Philadelphia 161 F.3d 217, 225 (3d Cir. 1998). Holding that malicious prosecutin involves "the abuse of the judicial process by

1. The Court finds that the Plaintiff has established that the Defendant's actions were negligent. The Defendant failed to exercise reasonable care in the handling of the Plaintiff's case. The Defendant's actions were the proximate cause of the Plaintiff's injuries. The Plaintiff has established that the Defendant's actions were negligent.

2. The Court finds that the Plaintiff has established that the Defendant's actions were negligent. The Defendant failed to exercise reasonable care in the handling of the Plaintiff's case. The Defendant's actions were the proximate cause of the Plaintiff's injuries. The Plaintiff has established that the Defendant's actions were negligent.

3. The Court finds that the Plaintiff has established that the Defendant's actions were negligent. The Defendant failed to exercise reasonable care in the handling of the Plaintiff's case. The Defendant's actions were the proximate cause of the Plaintiff's injuries. The Plaintiff has established that the Defendant's actions were negligent.

Government requiring that a claim for malicious prosecution includes bringing the person before a court will ensure that it remains a distinct, actionable tort under 1983.

WHEREFORE: A JUDGMENT AS A MATTER OF LAW by the Court will allow the Plaintiff a jury trial of her peers for damages for this CLEARLY ESTABLISHED Fourth Amendment violation under 1983, where there is no immunity, no res judicata, no collateral estoppel, especially where there is FRAUDULENT MISREPRESENTATIONS AND VOID JUDGMENTS that are never final, where the interests of a particular Federal Constitutional right precludes the reasoning of the courts, and is protected against State common law. See a case of continued detention without probable cause under Heck v. Humphrey, 512 U.S. 477, 484, 114 S.Ct. 2364. That the Magistrate fraudulently misrepresented the Plaintiff's malicious prosecution claim by stating on page 3 of her Report and Recommendation that the Plaintiff stated that she was subject to a false arrest and malicious prosecution :....."IN VIOLATION OF THE FOURTEENTH AMENDMENT"..... when the Plaintiff distinctly stated that her malicious prosecution claim was based on a violation of the FOURTH AMENDMENT, of an unlawful detention, of a violation of her liberty rights under the Fourth Amendment.

Respectfully,

Josephine Amatucci

~~June 8, 2022~~ ²² July 6, 2022

c. Town of Wolfeboro and Belnap sheriff's Dept.



Other Orders/Judgments

1:20-cv-00449-JL Amatuucci v. Wolfeboro, NH, Town of et al **CASE CLOSED on 08/11/2021**

CLOSED

U.S. District Court

District of New Hampshire

Notice of Electronic Filing

The following transaction was entered on 6/22/2022 at 11:03 AM EDT and filed on 6/21/2022

Case Name: Amatuucci v. Wolfeboro, NH, Town of et al

Case Number: 1:20-cv-00449-JL

Filer:

WARNING: CASE CLOSED on 08/11/2021

Document Number: No document attached

1:21-cv-01081-LM

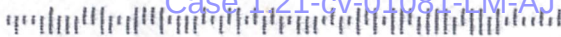
Docket Text:

ENDORSED ORDER re [38] Motion for Judgment as a Matter of Law, [39] Amended MOTION for Summary Judgment (5626), [40] Amended MOTION for Summary Judgment (5626), [41] Addendum to Lawsuit (5634)/ to [1] Complaint, [43] OBJECTION to [18] Report and Recommendation dated 08/02/2021 (5646), [44] MOTION for Summary Judgment (5557), [45] A Ruling Demanded Motion for Summary Judgment (5557), [46] Addendum to [44] MOTION for Summary Judgment for the Ruling of Violations of Federal Civil Rights Rights That Have Never Been Ruled on by the Court Regarding Claims Based on Fraud Fraud is Never Final and Fraud Unravels All Decisions (5655), [47] Supplemental MOTION for Summary Judgment a Declaratory Judgment Jurisdiction can be Challenged at Any Time (5692), [48] 2nd Request A Ruling Demanded Motion for Summary Judgment (5557). *Text of Order: Before the Court are Plaintiff Josephine Amatuucci's most recent post-judgment filings in this case, docketed at Document Nos. [38]-[41] and [43]-[48]. This case was dismissed on August 11, 2021, see Aug. 11, 2021 Order (Doc. No. [21]) [approving Aug. 2, 2021 R&R (Doc. No. [18])]; Aug. 11, 2021 J. (Doc. No. [22]); and Mrs. Amatuucci did not file an appeal of that dismissal. Mrs. Amatuucci has since filed twenty-four separate documents seeking post-judgment relief in this closed case. The Court previously denied fourteen of those filings. See Aug. 13, 2021 Order (denying Doc. No. [23]); Dec. 29, 2021 Order (denying Doc. Nos. [24]-[30]); Dec. 30, 2021 Order (denying Document Nos. [31], [32]); Feb. 25, 2022 Order (Doc. No. [37]) (denying Doc. Nos. [33]-[36]). In the Court's February 25, 2022 Order, the Court warned Mrs. Amatuucci that if she files any further motion or document seeking post-judgment relief in this case on any basis which the Court has previously rejected or denied in this matter, the Court may issue an Order barring her from filing anything further in this case and/or directing the Clerks office to return her filings in this case undocketed. Doc. No. [37], at 3-4. In each of her filings docketed in this case as Document Nos. [38]-[41] and [43]-[48], Mrs. Amatuucci seeks relief on grounds that this Court has already rejected and/or denied in this case. Seeing no evidence that Mrs. Amatuucci will heed further warning by the Court to regulate her own filings, the Court now directs that Mrs. Amatuucci make no further filings in this closed case. Any future filings by Mrs. Amatuucci in this matter may be returned to her undocketed. So Ordered by Judge Joseph N. Laplante.(jb)*

1:20-cv-00449-JL Notice has been electronically mailed to:

1:20-cv-00449-JL Notice, to the extent appropriate, must be delivered conventionally to:

Josephine Amatuucci
PO Box 272
Wolfeboro Falls, NH 03896



03301-394135

United States District Court
District of New Hampshire
Office of the Clerk
35 Pleasant St
Room 110 N.H. 03301
Concord,

From: D. Amaze
P.O. Box 272
Waiteboro Falls N.H. 03896

MANCHESTER NH 030
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